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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

EUGENE DIVISION

UNITED STATES OF AMERICA

Civil No. 08-689-AA

Plaintiff,

v.

**MOTION TO FILE
ORDER OF CONFIRMATION**

THE UNKNOWN HEIRS, DEVISEES,
SUCCESSORS IN INTEREST AND
CLAIMANTS TO THE ESTATE OF
LLOYD E. GRAY, Deceased, et al.,

Defendants.

LOCAL RULE 7.1 CERTIFICATION

All defendants failed to answer or otherwise respond and have been defaulted.

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MOTION

Plaintiff moves to file an Order of Confirmation of the sale of the real property in the above-entitled action to UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT. A proposed Order for the Court's consideration is attached.

Dated this 18th day of February, 2010.

DWIGHT C. HOLTON
United States Attorney

/s/ Tim Simmons
TIM SIMMONS
Assistant United States Attorney
District of Oregon

UNITED STATES DISTRICT COURT

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Civil No. 08-689-AA

Plaintiff,

v.

ORDER OF CONFIRMATION

THE UNKNOWN HEIRS, DEVISEES,
SUCCESSORS IN INTEREST AND
CLAIMANTS TO THE ESTATE OF LLOYD E.
GRAY, Deceased, et al.,

Defendants.

This application for confirmation of the judicial sale made by the United States Marshal for the District of Oregon of the real property hereinafter described under and by virtue of a special Writ of Execution issued in the above-entitled action on August 11, 2009; and

It further appearing to the satisfaction of the Court that due and legal notice of the sale of the real property was given as required by law, which property is situated in Klamath County, Oregon, and described as follows:

Lots 1 and 2, Block 59, Malin, in the County of Klamath, State of Oregon

It further appearing that on October 29, 2009, all right, title and interest of the defendants in the above-entitled action in and to said real property were sold by the United States Marshal to UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT , pursuant to said special Writ of Execution, for the sum of \$89,821.00 (EIGHTY-NINE

THOUSAND EIGHT HUNDRED TWENTY-ONE DOLLARS and NO CENTS) at public auction, that being the highest and best bid therefor at such sale; that the United States Marshal duly made and filed his return of his proceedings under such special Writ of Execution with the Court on October 30, 2009; and that more than ten days have elapsed since said return was filed and no objections or exceptions thereto have been made or filed;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the aforesaid execution sale be, and the same is, hereby in all respects approved and confirmed; and that the United States Marshal has issued a Certificate of Sale of Real Property in favor of UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, and that RURAL DEVELOPMENT be immediately let into possession of said real property; that purchaser is entitled to such remedies as are available at law to secure possession, including a writ of assistance, if defendant[s, or any of them] or any other party or person shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession; and that at the termination of the redemption period, April 27, 2010, the Marshal issue his Deed.

DATED this _____ day of _____, 2010.

PRESENTED BY
DWIGHT C. HOLTON
United States Attorney

ANN AIKEN
UNITED STATES DISTRICT JUDGE

/s/ Tim Simmons
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